

9 FAM 42.41 EXHIBIT II

DNA TESTING

(CT:VISA-749; 07-30-2005)

(Office of Origin: CA/VO/L/R)

Deoxyribonucleic Acid (DNA) testing is the most accurate and widely available technology to test a biological relationship. As of 2001, 99.34% of all cases completed by the American Association of Blood Banks (AABB) accredited labs utilized DNA technology. It is preferred over older technologies such as human leukocyte antigens (HLA) and human blood alleles (ABO) blood typing because it does not require blood samples and it is more accurate when all parties are not available for testing or when the other possible father (in a paternity case) or mother (in a maternity case) is thought to be related to the tested party. DNA technology should be the only method accepted for proof of a biological relationship.

DNA testing reliability has advanced to the industry-accepted standard of 99.5 percent. Consequently, for immigration purposes, consular officers (CO) may only accept test results that provide this degree of certainty with respect to paternity/maternity. However, test results with a lower percentage standard need not automatically result in a conclusion of nonpaternity/maternity. A test that supports paternity/maternity to a degree less than 99.5 percent generally should be followed by retests to determine if the 99.5 percent accuracy can be achieved. If, after several attempts, it is not possible to reach the 99.5 percent level, and the CO remains unconvinced of the bona fides of the relationship in question, the petition must be returned to the Department of Homeland Security (DHS) with an attachment of the evidence of the outcome.

DNA Testing Employing Buccal Swab Collection Method

The Buccal (cheek or mouth cavity) swab collection is the preferred specimen collection technique for DNA testing. Cells are collected from the inside cheek using a long cotton swab. Cheek swabs are preferred over blood samples because they are easier to collect, non-invasive, painless, and they are easier to ship. The accuracy of a DNA test conducted with a cheek swab is equivalent to a test conducted using a blood test, and, unlike blood, cheek swabs are not considered to be bio-hazardous. As of 2001, 87.6% of all AABB accredited labs used the buccal swab collection method exclusively. The panel physician should be aware that this is the preferred collection

method for immigration cases. The laboratory will forward the test kit and detailed instructions for drawing samples and identifying donors directly to the CO or panel physician. Under no circumstances should consular officers attempt to collect samples themselves.